

ENVIRONMENTAL PROTECTION COMMISSION

Monday, April 15, 1991

NAME

COMPANY OR AGENCY

CITY

Susan Salterberg grad student

Waterloo

Cynthia HUBERT DM REGISTER

Craig Richter

Ruan Leasing

DSM

James Boubouris

Seneca Environmental

DM

Donald Belvaug

Nardin Co Supervision

Edara

DM LEFT

GROWMARK, INC.

BLOOMINGTON, IL

GERAL BROWN

"

"

Kathy Bergson

Fort Dodge Messenger

Fort Dodge

Jane McAllister

Ahlens Law Firm

DSM

Daniel Adams

Iron Farm Bureau

DSM

Pam Deely

Northrup Natural Gas

DSM

Dale Johnson

Farm Bureau Spokesman

DSM

Don Curry

Oketang

ENVIRONMENTAL PROTECTION COMMISSION

NAME

COMPANY OR AGENCY

CITY

Bruce W. Brown

Hubinger Co.

Keokuk

Edward L. Karcher

Hubinger Co.

Keokuk

Scott D. Maye

H J Heiaz (Hubinger)

Pittsburgh AIA

Richard S. Jenkins

Davis Law Firm

Des Moines

James Dwyer

Blackhawk Foundry

Davenport

CJ

File Name ADM-1-1-1 EPC Meeting  
May 1991  
Senders Initials J.D.

Minutes of the Environmental Protection Commission Meeting

May 20, 1991

---

Wallace State Office Building, Des Moines, Iowa

---

TABLE OF CONTENTS

MAY 1991 COMMISSION MEETING . . . . .	E91May-1
MEMBERS PRESENT . . . . .	E91May-1
MEMBERS ABSENT . . . . .	E91May-1
ADOPTION OF AGENDA . . . . .	E91May-1
ADOPTION OF MINUTES . . . . .	E91May-1
ELECTION OF OFFICERS . . . . .	E91May-2
DIRECTOR'S REPORT . . . . .	E91May-2
FINANCIAL STATUS REPORT . . . . .	E91May-3
MONTHLY REPORTS . . . . .	E91May-8
<hr/>	
PUBLIC PARTICIPATION . . . . .	E91May-22
FINAL RULE--CHAPTER 102, LANDFILL OPERATOR	
CERTIFICATION . . . . .	E91May-23
FINAL RULE--CHAPTER 68, COMMERCIAL SEPTIC TANK	
CLEANERS . . . . .	E91May-25
FINAL RULE--CHAPTER 66, AQUATIC PESTICIDE PROHIBITED	
DISCHARGES . . . . .	E91May-30
STATE REVOLVING FUND INTENDED USE PLAN - FY91 . . .	E91May-34
PROPOSED CONTESTED CASE DECISION--CARL A. BURKHART	E91May-36
PROPOSED CONTESTED CASE DECISION--COMMERCIAL	
EQUIPMENT CO. . . . .	E91May-36
PROPOSED CONTESTED CASE DECISION--VERN STARLING . .	E91May-37
CITY OF AMES LETTER TO EPC COMMISSIONERS . . . . .	E91May-37
REFERRALS TO THE ATTORNEY GENERAL . . . . .	E91May-38

---

## FINAL RULE--CHAPTER 68, COMMERCIAL SEPTIC TANK

CLEANERS (Continued) . . . . .	E91May-40
GENERAL DISCUSSION ITEMS . . . . .	E91May-40
REFERRALS TO THE ATTORNEY GENERAL (Continued) . . .	E91May-40
APPOINTMENT - RICHARD JOCHUM . . . . .	E91May-41
APPOINTMENT - KEN MCNICHOLS . . . . .	E91May-44
APPOINTMENT - GREG BUSH . . . . .	E91May-44
APPOINTMENT - GAILLARD KREWER . . . . .	E91May-45
ADDRESS ITEMS FOR NEXT MEETING . . . . .	E91May-46
NEXT MEETING DATES . . . . .	E91May-46
ADJOURNMENT . . . . .	E91May-46
INDEX . . . . .	E91May-49

---

MAY 1991 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:00 a.m. on May 20, 1991.

MEMBERS PRESENT

Mike Earley, Richard Hartsuck, Rozanne King, Charlotte Mohr, Margaret Prahl, Gary Priebe, Nancylee Siebenmann, and Clark Yeager.

MEMBERS ABSENT

William Ehm

---

ADOPTION OF AGENDA

The meeting agenda was amended as follows:

Appointment - Linwood Mining & Minerals (Item #13-A) - 2:00 p.m.  
Appointment - R.V. Hopkins, Inc. (Item #13-C) - 2:30 p.m.

Add: Item #12-A Proposed Contested Case Decision--Vern Starling  
Add: Item #12-B City of Ames letter to EPC

*Motion was made by Margaret Prahl to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.*

ADOPTION OF MINUTES

*Motion was made by Margaret Prahl to approve the meeting minutes of April 15, 1991, as presented. Seconded by Gary Priebe. Motion carried unanimously.*

ELECTION OF OFFICERS

Margaret Prah1 inquired about the duration of officers as to whether there is a limit on how many terms they can serve.

Chairperson Mohr commented that a previous officer served for six years as chairperson.

Margaret Prah1 nominated Richard Hartsuck as chairperson. She added that Charlotte Mohr has done an excellent job as chairperson, but her feeling is that the chairmanship should be passed around among the commissioners.

Gary Priebe nominated Charlotte Mohr as chairperson.

Motion was made by Clark Yeager to cease nominations. Seconded by Rozanne King. Motion carried unanimously.

Discussion followed regarding the procedure to use for casting ballots.

Motion was made by Rozanne King to vote by using a written ballot. Seconded by Clark Yeager. Motion carried unanimously.

~~Five ballots were cast for Richard Hartsuck and three ballots for Charlotte Mohr.~~

The Commission expressed a vote of thanks to Charlotte Mohr for a job well done.

Charlotte Mohr stated that she has enjoyed representing the Commission as chairperson. She related that the public still does not know about the Environmental Protection Commission and it is an educational job that has to be done.

Gary Priebe nominated Clark Yeager as vice-chairperson. No further nominations were received. Vote was unanimous.

Gary Priebe nominated Nancylee Siebenmann as secretary. No further nominations were received. Vote was unanimous.

DIRECTOR'S REPORT

Director Wilson distributed copies of the newly printed Iowa Recycling Directory. He noted that a copy has been sent to each county and each library in the state, and it is sent to individuals upon request. Mr. Wilson displayed two copies of the new Local Government Composting Guide for the Commission's review. He related that all counties, city governments and

landfill operators will receive a copy of the guide. Copies will also be provided upon request.

Director Wilson stated that a contract was approved at the last meeting for the production of videos (using EPA grant money). The department received an inquiry as to why the selected vendor was chosen rather than the lowest bid. He related that in review, the department felt that the selection made by staff, and approved by the Commission, was the right choice for the best product. Director Wilson indicated that further challenge was made regarding this decision and it has been decided to go through the bid process again in June or July.

#### FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached are the Year-to-Date division financial status reports as of 4/30/91. The divisions are generally under budget and it appears the DNR will be able to complete the year within the operational appropriations as reduced by the deappropriation act.

---

There are no budget issues that have not already been commented on at previous meetings.

(Reports are shown on the following 4 1/2 pages)

May 1991

## Environmental Protection Commission Minutes

DNR DIVISION STATUS, 4/30/91

COST CENTER	CLASS	APRIL YTD BUDGET	APRIL YTD ACTUAL	OVER(-) UNDER
1000 DIRECTOR'S OFFICE	101 PERSONAL SERVIC	229,700	191,107	38,593
1000 DIRECTOR'S OFFICE	202 PERSONAL TRAVEL	28,500	23,083	5,417
1000 DIRECTOR'S OFFICE	203 STATE VEHICLE O			
	204 STATE VEHICLE D			
	301 OFFICE SUPPLIES	1,350	518	832
	302 FACILITY MAINT			
	303 EQUIPMENT MAINT	540	509	31
	304 PROF. & SCIENTI			
	307 AG. CONSERVATIO			
	308 OTHER SUPPLIES	900	122	778
	309 PRINTING & BIND	10,400	11,304	(904)
	312 UNIFORMS & RELA			
	401 COMMUNICATIONS			
	402 RENTALS			
	403 UTILITIES			
	405 PROF & SCIENTIF	2,250		2,250
	406 OUTSIDE SERVICE	1,500		1,500
	407 INTRA-STATE TRA			
	408 ADVERTISING & P			
	410 DATA PROCESSING	3,600	1,351	2,249
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	540	248	292
	501 EQUIPMENT	1,000		1,000
	602 OTHER EXPENSES			
	701 LICENSES			
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
Totals ->		280,280	228,242	52,038

DNR DIVISION STATUS, 4/30/91

DNR DIVISION STATUS, 4/30/91

DIVISION	CLASS	APRIL YTD BUDGET	APRIL YTD ACTUAL	(OVER) UNDER
2000 COORDINTAION AND INFORMATION	101 PERSONAL SERVIC	1,358,171	1,325,371	32,800
	202 PERSONAL TRAVEL	45,560	18,904	26,656
	203 STATE VEHICLE O	8,950	8,598	352
	204 STATE VEHICLE D	13,740	12,450	1,290
	301 OFFICE SUPPLIES	68,340	69,748	(1,408)
	302 FACILITY MAINT	15,250	13,073	2,177
	303 EQUIPMENT MAINT	9,250	8,596	654
	304 PROF. & SCIENTI	10,000	18,508	(8,508)
	307 AG. CONSERVATIO		412	(412)
	308 OTHER SUPPLIES	33,275	43,113	(9,838)
	309 PRINTING & BIND	389,300	388,570	730
	312 UNIFORMS & RELA	2,850	349	2,501
	401 COMMUNICATIONS	9,500	11,196	(1,696)
	402 RENTALS	750	1,711	(961)
	403 UTILITIES	22,395	25,950	(3,555)
	405 PROF & SCIENTIF	75,000	13,467	61,533
	406 OUTSIDE SERVICE	68,260	57,783	10,477
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	12,500	564	11,936
	410 DATA PROCESSING	19,980	8,918	11,062
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS			
	501 EQUIPMENT	45,750	3,086	(3,086)
	602 OTHER EXPENSES		37,391	8,359
	701 LICENSES			
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		2,135,141	2,067,758	67,383

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

## Environmental Protection Commission Minutes

May 1991

## DNR DIVISION STATUS, 4/30/91

DIVISION	CLASS	APRIL YTD BUDGET	APRIL YTD ACTUAL	(OVER) UNDER
3000 ADMINISTRATIVE SERVICES DIV.	101 PERSONAL SERVIC	3,367,677	3,354,403	13,274
	202 PERSONAL TRAVEL	45,030	36,963	8,067
	203 STATE VEHICLE O	52,425	45,123	7,302
	204 STATE VEHICLE D	59,347	55,239	4,108
	301 OFFICE SUPPLIES	318,785	357,201	(38,416)
	302 FACILITY MAINT	1,360	1,543	(183)
	303 EQUIPMENT MAINT	34,679	35,164	(485)
	304 PROF. & SCIENTI			
	307 AG. CONSERVATIO			
	308 OTHER SUPPLIES	12,064	5,260	6,804
	309 PRINTING & BIND	20,150	11,998	8,152
	312 UNIFORMS & REL	2,900	959	1,941
	401 COMMUNICATIONS	180,913	151,134	29,779
	402 RENTALS	1,365	374	991
	403 UTILITIES			
	405 PROF & SCIENTIF			
	406 OUTSIDE SERVICE	45,039	38,855	6,184
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	1,250		1,250
	410 DATA PROCESSING	85,339	110,206	(24,867)
	412 AUDITOR OF STAT	80,000	81,398	(1,398)
	414 REIMBURSEMENTS	34,232	28,086	6,146
	501 EQUIPMENT	131,130	95,372	35,758
	602 OTHER EXPENSES			
	701 LICENSES	150		150
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		4,473,835	4,409,278	64,557

## DNR DIVISION STATUS, 4/30/91

DIVISION	CLASS	APRIL YTD BUDGET	APRIL YTD ACTUAL	(OVER) UNDER
4000 PARKS, PRES. & RECREATION DIV.	101 PERSONAL SERVIC	4,305,721	4,255,386	50,335
	202 PERSONAL TRAVEL	75,696	55,161	20,535
	203 STATE VEHICLE O	171,046	155,687	15,359
	204 STATE VEHICLE D	188,394	183,390	5,004
	301 OFFICE SUPPLIES	36,212	27,187	9,025
	302 FACILITY MAINT	429,844	405,419	24,425
	303 EQUIPMENT MAINT	242,927	216,888	26,039
	304 PROF. & SCIENTI	1,000		1,000
	307 AG. CONSERVATIO	12,948	10,156	2,792
	308 OTHER SUPPLIES	25,536	29,541	(4,005)
	309 PRINTING & BIND	11,700	13,734	(2,034)
	312 UNIFORMS & REL	7,357	5,278	2,079
	401 COMMUNICATIONS	67,170	62,644	4,526
	402 RENTALS	15,914	20,216	(4,302)
	403 UTILITIES	285,172	276,939	8,233
	405 PROF & SCIENTIF	30,750	22,900	7,850
	406 OUTSIDE SERVICE	150,146	136,085	14,061
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	2,880	212	2,668
	410 DATA PROCESSING	5,335	1,889	3,446
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	7,175	26,887	(19,712)
	501 EQUIPMENT	107,717	93,197	14,520
	602 OTHER EXPENSES	2,100	3,634	(1,534)
	701 LICENSES	2,297	145	2,152
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		6,185,037	6,002,575	182,462

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

May 1991

## Environmental Protection Commission Minutes

DNR DIVISION STATUS, 4/30/91

DIVISION	CLASS	APRIL YTD BUDGET	APRIL YTD ACTUAL	(OVER) UNDER
5000 FORESTRY DIVISION	101 PERSONAL SERVIC	1,545,810	1,560,119	(14,309)
	202 PERSONAL TRAVEL	25,240	24,361	879
	203 STATE VEHICLE O	59,150	55,184	3,966
	204 STATE VEHICLE D	92,130	79,910	12,220
	301 OFFICE SUPPLIES	43,700	16,061	27,639
	302 FACILITY MAINT	26,700	26,323	377
	303 EQUIPMENT MAINT	43,640	39,062	4,578
	304 PROF. & SCIENTI			
	307 AG. CONSERVATIO	100,650	74,869	25,781
	308 OTHER SUPPLIES	12,200	29,217	(17,017)
	309 PRINTING & BIND	8,760	9,434	(674)
	312 UNIFORMS & RELA	12,200	4,274	7,926
	401 COMMUNICATIONS	24,110	22,427	1,683
	402 RENTALS	12,630	20,445	(7,815)
	403 UTILITIES	25,150	22,996	2,154
	405 PROF & SCIENTIF	19,000	6,000	13,000
	406 OUTSIDE SERVICE	25,550	36,619	(11,069)
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	900	642	258
	410 DATA PROCESSING	10,300	1,185	9,115
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS		121	(121)
	501 EQUIPMENT	38,000	26,486	11,514
	602 OTHER EXPENSES			
	701 LICENSES	270	230	40
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID	94,000	69,342	24,658
	901 CAPITALS			
		2,220,090	2,125,307	94,783

DNR DIVISION STATUS, 4/30/91

DIVISION	CLASS	APRIL YTD BUDGET	APRIL YTD ACTUAL	(OVER) UNDER
6000 ENERGY & GEOLOGICAL RESOURCES	101 PERSONAL SERVIC	2,055,546	1,991,187	64,359
	202 PERSONAL TRAVEL	65,927	45,030	20,897
	203 STATE VEHICLE O	16,116	13,740	2,376
	204 STATE VEHICLE D	24,312	23,850	462
	301 OFFICE SUPPLIES	6,064	9,927	(3,863)
	302 FACILITY MAINT	975	594	381
	303 EQUIPMENT MAINT	22,555	27,832	(5,277)
	304 PROF. & SCIENTI	2,421	13,007	(10,586)
	307 AG. CONSERVATIO			
	308 OTHER SUPPLIES	25,869	23,822	2,047
	309 PRINTING & BIND	36,966	23,077	13,889
	312 UNIFORMS & RELA			
	401 COMMUNICATIONS	14,181	10,898	3,283
	402 RENTALS	1,925	1,925	
	403 UTILITIES	10,164	8,219	1,945
	405 PROF & SCIENTIF	1,003,996	827,515	176,481
	406 OUTSIDE SERVICE	16,054	12,620	3,434
	407 INTRA-STATE TRA			
	408 ADVERTISING & P			
	410 DATA PROCESSING	12,650	8,162	4,488
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	4,784	4,144	640
	501 EQUIPMENT	89,802	61,783	28,019
	602 OTHER EXPENSES			
	701 LICENSES			
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		3,410,307	3,107,332	302,975

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

## Environmental Protection Commission Minutes

May 1991

DNR DIVISION STATUS, 4/30/91

DIVISION	CLASS	APRIL YTD BUDGET	APRIL YTD ACTUAL	(OVER) UNDER
7000 ENVIRONMENTAL PROTECTION DIV.	101 PERSONAL SERVIC	5,348,360	5,098,985	249,375
	202 PERSONAL TRAVEL	144,958	88,980	55,978
	203 STATE VEHICLE O	41,600	28,926	12,674
	204 STATE VEHICLE D	50,800	45,970	4,830
	301 OFFICE SUPPLIES	34,292	41,271	(6,979)
	302 FACILITY MAINT	2,145	1,311	834
	303 EQUIPMENT MAINT	10,170	12,822	(2,652)
	304 PROF. & SCIENTI	5,493	24,676	(19,183)
	307 AG. CONSERVATIO			
	308 OTHER SUPPLIES	27,711	17,589	10,122
	309 PRINTING & BIND	51,060	3,159	47,901
	312 UNIFORMS & RELA	5,633	1,171	4,462
	401 COMMUNICATIONS	36,950	32,558	4,392
	402 RENTALS	39,069	40,350	(1,281)
	403 UTILITIES	9,220	9,765	(545)
	405 PROF & SCIENTIF	1,296,083	489,073	807,010
	406 OUTSIDE SERVICE	37,384	33,734	3,650
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	4,567	2,246	2,321
	410 DATA PROCESSING	140,575	77,259	63,316
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	14,405	11,285	3,120
	501 EQUIPMENT	480,445	216,513	263,932
	602 OTHER EXPENSES	200		200
	701 LICENSES		60	(60)
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		7,781,120	6,277,703	1,503,417

DNR DIVISION STATUS, 4/30/91

DIVISION	CLASS	APRIL YTD BUDGET	APRIL YTD ACTUAL	(OVER) UNDER
8000 FISH AND WILDLIFE DIVISION	101 PERSONAL SERVIC	9,025,702	9,082,714	(57,012)
	202 PERSONAL TRAVEL	309,950	247,224	62,726
	203 STATE VEHICLE O	408,995	376,711	32,284
	204 STATE VEHICLE D	521,544	551,780	(30,236)
	301 OFFICE SUPPLIES	203,034	183,667	19,367
	302 FACILITY MAINT	209,251	190,275	18,976
	303 EQUIPMENT MAINT	251,847	265,894	(14,047)
	304 PROF. & SCIENTI			
	307 AG. CONSERVATIO	204,555	192,689	11,866
	308 OTHER SUPPLIES	93,029	77,631	15,398
	309 PRINTING & BIND	145,269	82,583	62,686
	312 UNIFORMS & RELA	85,518	34,358	51,160
	401 COMMUNICATIONS	130,071	130,730	(659)
	402 RENTALS	37,912	35,799	2,113
	403 UTILITIES	174,598	157,635	16,963
	405 PROF & SCIENTIF	150,730	101,960	48,770
	406 OUTSIDE SERVICE	98,062	69,494	28,568
	407 INTRA-STATE TRA	3,315		3,315
	408 ADVERTISING & P	16,130	19,825	(3,695)
	410 DATA PROCESSING	35,567	42,812	(7,245)
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	84,900	94,840	(9,940)
	501 EQUIPMENT	231,188	150,491	80,697
	602 OTHER EXPENSES	800	1,062	(262)
	701 LICENSES	120	240	(120)
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		12,422,087	12,090,414	331,673

May 1991

Environmental Protection Commission Minutes

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

DNR DIVISION STATUS, 4/30/91

BUREAU	CLASS	APRIL BUDGET YTD	APRIL ACTUAL YTD	(OVER) UNDER
9000 WASTE MANAGEMENT AUTHORITY	101 PERSONAL SERVIC	396,940	399,713	(2,773)
9000 WMAD DIVISION	202 PERSONAL TRAVEL	36,400	24,685	11,715
	203 STATE VEHICLE O	400		400
	204 STATE VEHICLE D			
	301 OFFICE SUPPLIES	14,720	3,814	10,906
	302 FACILITY MAINT			
	303 EQUIPMENT MAINT		226	(226)
	304 PROF. & SCIENTI			
	307 AG. CONSERVATIO			
	308 OTHER SUPPLIES	8,750	9,909	(1,159)
	309 PRINTING & BIND	47,000	45,501	1,499
	312 UNIFORMS & RELA			
	401 COMMUNICATIONS	3,300	99	3,201
	402 RENTALS	250		250
	403 UTILITIES			
	405 PROF & SCIENTIF	153,140	70,648	82,492
	406 OUTSIDE SERVICE	17,350	4,149	13,201
	407 INTRA-STATE TRA			
	408 ADVERTISING & P			
	410 DATA PROCESSING	3,600	1,978	1,622
	412 AUDITOR OF STAT	50		50
	414 REIMBURSEMENTS	10,250	7,350	2,900
	501 EQUIPMENT	15,000	15,525	(525)
	602 OTHER EXPENSES			
	701 LICENSES			
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		707,150	565,279	82,010

Mr. Kuhn gave a brief explanation of the reports.

This was an informational item; no action was required.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
May 1, 1991

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 61 - Phase III Stream Use Designations	1/22/91	2/20/91	3/11/91	3/12/91 3/13/91 3/14/91 3/15/91	*6/17/91	*6/17/91	*7/10/91	*8/14/91
2. Ch. 66 - Aquatic Pesticide Rules	2/18/91	3/20/91	4/08/91	4/09/91 4/10/91 4/11/91	5/20/91	*5/20/91	*6/12/91	*7/17/91
3. Ch. 68 - Commercial Cleaning of Private Sewage Disposal Facilities	1/22/91	2/20/91	3/11/91	3/12/91 3/13/91 3/14/91 3/15/91	5/20/91	*5/20/91	*6/12/91	*7/17/91
4. Ch. 91 - Criteria for Award of Grants	4/15/91	5/15/91	*6/ /91	*6/05/91 *6/06/91 *6/07/91	*7/15/91	*7/15/91	*8/07/91	*9/11/91
5. Ch. 92 - State Revolving Fund	4/15/91	5/15/91	*6/ /91	*6/05/91 *6/06/91 *6/07/91	*7/15/91	*7/15/91	*8/07/91	*9/11/91
6. Ch. 102 - Landfill Operator Certification	2/18/91	3/20/91	4/08/91	4/09/91	5/20/91	*5/20/91	*6/12/91	*7/17/91
7. Ch. 135 - UST Technical Standards (New Subrule 135.7(10) (Insolvency)	10/15/90	11/14/90	12/12/90	12/04/90 12/06/90 12/07/90	*6/17/91	*6/17/91	*7/10/91	*8/14/91

\*Projected

MONTHLY VARIANCE REPORT						
Month: April, 1991						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Story County Emergency Management Agency	Air Quality		Landscape Waste	Approved	04/03/91
2.	Cities of Laurel, Haverhill, & Ferguson	Wastewater Construction	Van Winkle-Jacob Engineering	ForceMain Velocity	Denied	04/02/91
3.	City of Nevada	Wastewater Construction	Snyder & Associates	Electrical Hazardous Area Classification	Approved	04/09/91
4.	City of New Hampton	Wastewater Construction	Brice, Petrides-Donohue	Sludge Holding Tank-Aeration & Mixing	Denied	04/16/91
5.	Iowa DOT-Warren County	Flood Plain		Backwater	Approved	04/16/91
6.	City of Ames-Story County Landfill	Solid Waste	Clapsaddle-Garber Associates	Leachate	Approved	04/11/91
7.	Guthrie County Care Facility	Watersupply Construction	MHF Engineering	Construction Materials	Approved	04/24/91
8.	Louisa Court Mobile Home Park-Muscatine County	Watersupply Construction	Dennis Kistenmacher	Construction Materials	Approved	04/26/91

May 1991

# Environmental Protection Commission Minutes

## TOPIC: Report of Hazardous Conditions

During the period April 1, 1991 through April 30, 1991, reports of 85 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
04/22/91 Page	A poly tank fell off a truck on 4/22/91 in Clarinda, releasing 150 gallons of Lasso onto a paved street.	Wynn Fertilizer North First St. Clarinda, IA	Storm drains were blocked to prevent the material from reaching a surface water. Material was absorbed with oil dry and applied to a field.
04/27/91 Hamilton	A semi driver noticed a leak from a container filled with fuel stabilizer. The leak occurred on 4/27/91 near Williams. The material is irritating to the skin and respiratory system. One gallon of material was lost.	Yellow Freight 12400 DuPont Ave. S. Burnsville, MN	The local fire dept. donned SCBAs and protective clothing. The material was absorbed with sand and the leaking container was transferred to an overpack drum.

## REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of April 1, 1991 through April 30, 1991, the following number of releases from underground storage tanks were identified.

68 (75)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1990.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1990

Substance Type					Mode					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	112(89)	69(62)	7(10)	36(17)	70(52)	0(3)	25(10)	1(1)	1(1)	15(22)
Nov.	69(57)	36(36)	11(10)	22(17)	35(52)	0(3)	15(10)	4(2)	1(0)	14(5)
Dec.	85(65)	61(43)	14(4)	10(18)	37(32)	1(3)	23(9)	1(3)	1(2)	22(16)
Jan.	56(104)	31(76)	7(6)	18(22)	35(72)	1(2)	9(16)	1(4)	1(3)	9(7)
Feb.	77(69)	43(49)	7(7)	27(13)	47(45)	1(2)	14(13)	2(1)	2(1)	11(7)
March	82(104)	51(76)	10(6)	21(22)	43(72)	3(2)	17(16)	3(4)	0(3)	16(7)
April	85(132)	46(67)	22(46)	17(19)	36(92)	2(2)	25(12)	1(5)	0(2)	21(19)

Total Number Of Incidents Per Field Office This Period:

1 2 3 4 5 6  
2 11 11 9 30 22

E91May-10

## Environmental Protection Commission Minutes

May 1991

## Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Charles Hauser d/b/a Hauser Water Conditioning, Manchester (1)	Underground Tank	Closure Investigation	Order	4/2/91
The Clear Lake Bakery, Inc. Clear Lake (2)	Drinking Water	Construction Without Permit	Order	4/10/91
Osage, City of (2)	Drinking Water	Construction Without Permit	Order	4/10/91
Hidden Valley Mobile Home Court, Batavia (6)	Drinking Water	MCL - Public Notice	Order	4/10/91
Nilles Service and Repair Inc., Kingsley (3)	Underground Tank	Closure Investigation	Order	4/10/91
Littschwager & Sons, Inc., Buckeye (3)	Underground Tank	Closure Investigation	Order	4/10/91
AIM, Inc. d/b/a Honey Creek Resort, Crescent (4)	Drinking Water	Monitoring/Reporting- Bacteria, Public Notice	Order/Penalty	4/10/91
Tom Thumb, Inc., Clear Lake (2)	Wastewater	Prohibited Discharge	Order/Penalty	4/10/91
Lost Canyon Mobile Home Park, Dubuque (1)	Wastewater	Discharge Limits	Order	4/10/91
Union, City of (2)	Drinking Water	Construction Contrary to Permit	Order	4/12/91
Exide Corporation, Burlington (6)	Air Quality	Emission Standards	Referred to AG	4/15/91
Black Hawk Foundry & Machine Co., Davenport (6)	Air Quality	Emission Standards	Referred to AG	4/15/91
Cota Industries, Des Moines (5)	Hazardous Condition	Remedial Action	Referred to AG	4/15/91
Hubinger Company, Keokuk (6)	Air Quality	Operation Permit Violations	Referred to AG	4/15/91
Don and Gertrude Carney, Ft. Dodge (2)	Solid Waste	Illegal Disposal	Referred to AG	4/15/91
Robert and Sally Shelley, Guthrie Center (4)	Solid Waste	Illegal Disposal	Referred to AG	4/15/91
Mike Baker d/b/a M & D's Chalet, Elgin (1)	Drinking Water	Monitoring/Reporting- Bacteria & Nitrate	Referred to AG	4/15/91
Oskaloosa, City of (5)	Wastewater	Discharge Limits	Order/Penalty	4/18/91
Oskaloosa Food Products, Oskaloosa (5)	Wastewater	Pretreatment	Order/Penalty	4/18/91
Kor-Bert, Inc. and Robert Lau, Hancock Co. (2)	Air Quality	Open Burning	Order/Penalty	4/18/91
Marengo, City of (6)	Wastewater	Discharge Limits	Order	4/18/91
Iowa Promotional Management, Inc., Osceola (5)	Wastewater	Monitoring/Reporting	Order/Penalty	4/18/91
Ron Meeker Well Company, Woodbine (4)	Drinking Water	Construction Without Permit	Order	4/18/91
Logan Head Start Center, Logan (4)	Drinking Water	Construction Without Permit	Order	4/18/91

E91May-11

May 1991

## Environmental Protection Commission Minutes

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Agency, City of (6)	Wastewater	MIP	Order	4/18/91
Carnation Company, Waverly (2)	Air Quality	Construction Without Permit	Order/Penalty	4/18/91
The Market of Clear Lake, Inc., Clear Lake (2)	Underground Tank	Site Assessment	Order	4/22/91
Gordon Ruckman d/b/a Persia Oil Company, Persia (4)	Underground Tank	Site Assessment	Order	4/22/91
Don Sickels d/b/a Sickels Oil Company, Mt. Ayr (4)	Underground Tank	Site Assessment	Order	4/22/91
Dwyer Aircraft Sales, Inc. and Mason City Municipal Airport, Mason City (2)	Underground Tank	Site Assessment	Order	4/22/91
Dad's Fuel Stop, Durant (6)	Underground Tank	Site Assessment	Order	4/22/91
Merle Adams, Hardin Co. (2)	Solid Waste	Illegal Disposal	Order/Penalty	4/26/91
Kenneth Bode, Mills Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	4/26/91
Unilabco Inc. aka. A.I. Processors, Whittemore (2)	Air Quality	Construction Without Permit	Order/Penalty	4/26/91
Cleon Merrill d/b/a Arrow- Acme Corp., Webster City(2)	Air Quality	Operation Without Permit	Order	4/26/91
Nelson Oil Co., Inc., Clarinda (2)	Underground Tank	Site Assessment	Order	4/26/91
Krause Gentle Corp. and Bryon Gashler (6)	Underground Tank	Site Assessment	Order	4/26/91
Harold Norton d/b/a Norton's Amoco, Fairfield (6)	Underground Tank	Site Assessment	Order	4/26/91
Herweh Enterprises, Prairie City (5)	Underground Tank	Closure Investigation	Order	4/26/91
Cedar River Trailer Park, Letts (6)	Drinking Water	Monitoring/Reporting- Nitrate - Public Notice	Order	4/26/91

## Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
John Dennis and Kirk Knox (Audubon County)	SW	300	2-18-91
Fred Varner (Worth County)	SW	1,000	4-11-91
Clearview Mobile Home Park (Grundy Center)	WS	200	4-26-91
Stu's Chick Haven (Boyden)	WW	1,000	5-06-91
*Folletts Tavern (Camanche)	WS	675	5-08-91
Carmen M. Paulsen (Johnson County)	AQ/SW	1,000	5-12-91
Gaul's Water Commission (Burlington)	WS	200	5-13-91
Wagon Wheel (Monticello)	WS	330	5-13-91
Lyn-Den Heights Homeowners Assoc. (Iowa City)	WS	100	5-13-91
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	245	5-14-91
Country Estates Mobile Home Court (Council Bluffs)	WS	165	5-15-91
Delaware County Landfill, Inc.	SW	600	5-15-91
Asgrow Seed Company (Butler Co.)	AQ	500	5-23-91
Roy Long (Knoxville)	SW	300	6-01-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000	6-20-91
Oskaloosa, City of	WW	1,000	6-22-91
Carnation Company (Waverly)	AQ	1,000	6-22-91
Iowa Promotional Management, Inc. (Osceola)	WW	700	6-23-91
Kor-Bert, Inc. (Klemme)	AQ	1,000	6-26-91
Merle Adams (Hardin Co.)	SW	1,000	-----
Kenneth Bode (Mills Co.)	SW	1,000	-----
Unilabco Inc. d/b/a A.I. Processors (Whittemore)	AQ	1,000	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
<u>**Handi-Klasp, Inc. (Webster City)</u>	WW/HC	1,000	8-02-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
East Side Acres (Moville)	WS	200	12-26-89
East Side Acres (Moville)	WS	600	4-01-90
Craig Natvig (Cerro Gordo Co.)	SW	750	6-18-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Pony Creek Homeowners Assoc. #1 (Pacific Jct.)	WS	315	2-24-91
M & D's Chalet (Elgin)	WS	490	3-02-91
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91

\*\* Independent Attorney General Action

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Poland (Decatur)	FP	800
IBP, inc. (Columbus Junction)	WW	600
King's Terrace Mobile Home Court (Ames)	WW	1,000
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Amoco Oil Co. (West Des Moines)	UT	1,000
Cozy Cafe (Lucas)	WS	500
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Manson Water Supply	WS	500
Joe Villinger (West Point)	SW	500
Midwest Mining, Inc. (Harrison Co.)	FP	800
Sioux City, City of	WW	1,000
Donald Ray Maasdam (Pocahontas Co.)	SW	1,000
Vern Starling (Boone Co.)	SW	1,000
Des Moines, City of	HC	1,000
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Troy Mills Dam Assn. (Troy Mills)	FP	300
Maple Crest Motel and MHP (Mason City)	WS	350
Plymouth County Solid Waste Agency	SW	1,000
Lloyd Dunton (Iowa County)	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	1,000
Richard Duncan (Louisa County)	SW/AQ	500
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Camp Riverside (Guthrie County)	FP	500

\*On Payment Schedule

May 1991

## Environmental Protection Commission Minutes

Joe W. Ringsdorf (Kossuth County)	AQ	1,000
John W. Yotter (Louisa County)	SW	1,000
Molkenthin Swine Operation (Keokuk County)	WW	800

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
*Folletts Tavern (Camanche)	WS	150
Pacific Junction Water Supply	WS	100
Twin Knolls 6th Addition (Cedar Rapids)	WS	50
Long Beach Mobile Park (Clear Lake)	WS	100
Martensdale, City of	WW	1,000
Jolley, City of	WS	100
Richard Kleindolph (Muscatine)	SW	226
Villa Hermosa (Cedar Rapids)	WS	75
Don and Gertrude Carney (Ft. Dodge)	SW	600
Tama, City of	WW	1,000
Tom Thumb, Inc. (Clear Lake)	WW	400
Williams Tavern & Sport Goods (Harpers Ferry)	WS	50
Cedar Terrace Mobile Home Park (Cedar Rapids)	WS	100
Superior-Ideal, Inc. (Oskaloosa)	WW	250
Orchard, City of	WW	300

TOTAL \$4,501

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
May 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)	Updated	Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing Trial Date	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 11/20/90 4/ /92
American Pelletizing Corp. Knoxville (5)		Air Quality	Emission Standards	Order	Referred	2/18/91
Amoco Oil Company Des Moines/Ames (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	10/15/90
Amoco Oil Company Des Moines/Ft. Madison (5&6)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)		Wastewater	Prohibited Discharge	Order	Referred	2/18/91
Archer Daniels Midland Co. Clinton County (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	3/18/91
ASPRO, Inc. Waterloo (1)		Air Quality	Emission Standards	Referred to Attorney General	Referred	3/18/91
Baker, Mike d/b/a M & D's Chalet Elgin (1)	New	Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/15/91
Black Hawk Foundry & Machine Co. Davenport (6)	New	Air Quality	Emission Standards	Referred to Attorney General	Referred	4/15/91
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Fited Default Judgment	11/20/89 3/03/90 7/27/90

# Environmental Protection Commission Minutes

May 1991

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
May 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge Failure to Notify	Referred to Attorney General	Referred	5/21/90
Bruening Rock Products, Inc. Elma (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	2/18/91
Cain, Edward and Margaret Clinton County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred	3/18/91
Carney, Don and Gertrude Ft. Dodge (2)	New	Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/15/91
Carnicle, Roger d/b/a The New New Shack Tavern Cedar Rapids (1)		Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed	9/18/90 12/31/90
Cerro Gordo County Area Landfill Agency (2)		Solid Waste	Cover Violations	Referred to	Referred Petition Filed Answer Filed	4/16/90 6/25/90 8/13/90
Chalfant, Milo, et.al. Webster City (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Suit Filed	9/20/89 8/08/90
Chicago & Northwestern Transportation Co. Webster County (2)		Air Quality	Open Burning	Referred to Attorney General	Referred	3/18/91
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Suit Filed Default Judgment	6/21/89 11/09/89 4/ /90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan	8/17/88 2/01/90 4/20/90 8/22/90
Cota Industries, Inc. Des Moines (5)	New	Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review	4/15/91 4/18/91
Country Lane Foods, Division of Yoder, Inc., Kalona (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/90
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred	4/16/90
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	8/21/90 11/30/90
Des Moines, City of (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred	9/18/90
Dexter Co., The Fairfield (6)		Wastewater	Prohibited Discharge Effluent Limit Discharge	Referred to Attorney General	Referred Petition Filed	3/20/90 7/31/90
Drevelow, Harvey d/b/a Hanson Tires New Hampton (1)		Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/19/90 3/13/91
Drips, Joseph and Diana vs. DNR		Wastewater	Private Sewage Disposal	Defending	Suit Filed	8/06/90
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89

E91May-15

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
May 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
Exide Corporation Burlington (6)	New	Air Quality	Emission Standards	Referred to Attorney General	Referred	4/15/91
Fairfield, City of (6)		Wastewater	Monitoring/Reporting Discharge Limitations Operation Violation	Order	Referred Petition Filed	2/20/90 7/31/90
Fred Carlson Co., Inc. Decorah (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred	2/18/91
Giametta, Dominic d/b/a Fred's 66, Davenport (6)		Underground Tank	Remedial Action	Order/Penalty	Referred Petition Filed	12/11/89 7/02/90
Great Dane Fertilizer, Inc. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/18/90
Hancock County and William Waddingham (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	11/20/90
Holnam Northwestern Cement Mason City (2)	Updated	Air Quality	Emission Standards	Referred to Attorney General	Referred Consent Decree (\$3,500)	8/21/90 4/02/91
Hubinger Company Keokuk (6)	New	Air Quality	Operation Permit Violations	Referred to Attorney General	Referred	4/15/91
Humboldt Co. Landfill Commission (2)		Solid Waste	Cover Violations	Order/Penalty	Referred Petition Filed Discovery Proceeding	11/20/89 8/30/90 11/15/90
IBP, Inc. Columbus Junction (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Judicial Review Ruling on Appeal	10/16/90 2/04/91
Iowa Dress Club, Inc. Oskaloosa (5)		Wastewater Solid Waste	Prohibited Discharge Illegal Disposal	Referred to Attorney General	Referred	7/16/90
Kleindolph, Richard Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment Partial Penalty Paid (\$300)	10/24/89 4/06/90 8/13/90 9/13/90
Kollbaum, Garry East Side Acres Merville (3)		Drinking Water	MCL-Nitrate	Order/Penalty	Referred Petition Filed	5/21/90 7/02/90
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	11/20/89 3/19/91
Lenox, City of and Papetti's of Iowa, Inc.		Wastewater	Effluent Standards Treatment Agreement	Order	Referred	2/18/91
Mathern, Larry (Larry's DX) Ralph Beck; Walker Oil Co. (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed	2/20/90 7/02/90
Mike McGinnis, Alfred Patten and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	10/24/89 11/15/89
Bob McKiniss Excavating & Grading v. IDNR	Updated	Hazardous	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss	3/12/91 5/01/91
Miller Products Co. (5)		Wastewater	Pretreatment	Order/Penalty	Referred Petition Filed	4/16/90 11/29/90
Monfort, Inc. (5)		Wastewater	Prohibited Discharge	Attorney General	Referred	12/11/89

## Environmental Protection Commission Minutes

May 1991

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
May 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Moser, Stan	Updated	Solid Waste	Illegal Dumping	Order/Penalty	Judicial Review	9/26/88
					Order Affirmed	5/25/89
					Contempt Citation Modified (\$500)	1/24/90 5/21/90
					Contempt Citation	11/14/90
					Contempt Purged	4/25/91
				Referred to Attorney General	Referred	7/19/89
					Petition Filed	9/12/89
					Trial Decision (\$1,800)	3/15/90 12/11/90
Natvig, Craig Mason City (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Petition Filed	8/21/90 11/29/90
Null, Donald Clinton County (6)	Updated	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred In Bankruptcy	10/15/90
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	4/16/90 11/30/90
Pete's Sunoco/ Popejoy Septic West Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/90
Pony Creek Homeowners Assoc. #1 Pacific Junction (4)		Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	3/18/91
Pregler, Gerald Dubuque County (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	10/15/90
Pruess v. IDNR		Hazardous Condition	DNR Defendant	Abatement Order	Suit Filed Hearing DNR Motion to Dismiss Hearing Amended Petition DNR Motion to Dismiss Hearing Set Dismissed Appealed to Supreme Court	4/24/90 4/30/90 5/14/90 5/15/90 5/25/90 6/18/90 8/10/90 8/21/90 9/19/90
Root, William/LAWNKEEPERS Mitchell County (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/16/90
Schaap, Darlo Sioux Center (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/20/90 6/21/90
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Shelley, Robert and Sally Guthrie Center (4)	New	Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/15/91
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Charges Filed	9/20/89 7/15/90
Siouxland Quality Meat Co., Inc. Sioux City (3)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed	2/20/90 7/02/90
Stickle Enterprises, Ltd. et.al., Cedar Rapids (6)	Updated	Air Quality	Open Burning	Referred to Attorney General	Referred Suit Filed Trial Set Consent Decree (\$5,000)	9/20/89 10/17/89 10/16/90 4/09/91
Sun Wise Systems Corp. Sac City (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	10/15/90
Swea City Oil Co./Irene Fagerlund, Swea City (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Touchdown Co., et. al., Webster City (2)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred Petition Filed	6/21/89 2/14/91
Witt, John J. Long Grove (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Default Judgment (\$6,000)	8/21/90 10/16/90 12/11/90

May 1991

## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 CONTESTED CASES  
 MAY 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
12-03-86	Waukee, City of	Administrative Order	WS	Hansen	Construction completed. Settlement proposed.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87; amended order issued.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Additional round of sampling performed.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	To District Court 4/12/91 for judicial review.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Settlement proposed. Counter offer made.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Additional work requested and initiated.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Supreme Court confirms;remands other issues.
7-25-88	Nishna Sanitary Services, Inc.	Permit Conditions	SW	Landa	Settlement proposed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Settlement proposed.
10-03-88	IBP, Columbus Junction	Administrative Order	WW	Clark	Appealed to District Court; remanded 2/4/91.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated. Assessment report submitted.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Hearing continued. Settlement proposed.
2-16-89	John Deere Co. - Dubuque	Site Registry	HW	Landa	Final decision 12/17/90. Judicial review.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.

E91May-18

## Environmental Protection Commission Minutes

May 1991

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 CONTESTED CASES  
 MAY 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-19-89	Grand Mound, City of	Administrative Order	WW	Hansen	Amended order issued.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Proposed decision 12/13/90; appealed. Oral argument 5/20/91.
7-26-89	Cozy Cafe	Administrative Order	WS	Hansen	Meeting held 4/23/91.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Temporary permit issued 5/31/90.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance completed.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing continued.
1-02-90	Midwest Mining, Inc.	Administrative Order	FP	Clark	Settlement proposed.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Negotiating before filing.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Negotiating before filing.
3-20-90	Kaneb Pipeline Co.	Administrative Order	HC	Landa	Hearing continued/settlement proposed.
3-22-90	Vern Starling	Administrative Order	SW	Kennedy	Hearing held. Awaiting decision.
3-27-90	Orchard, City of	Administrative Order	WW	Hansen	Settled. Penalty paid.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
5-08-90	Texaco Inc./Chemplex Company Site	Site Registry	HW	Landa	Hearing continued to 6/03/91.
5-09-90	Raccoon Valley State Bank	Administrative Order	HC	Landa	Hearing continued. Depositions taken.
5-09-90	Square D Company	Site Registry	HW	Landa	Hearing continued. Compliance initiated.
5-11-90	Carl A. Burkhardt	Administrative Order	AQ/SW	Kennedy	Decision received 4/25/91.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.

E91May-19

May 1991

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
MAY 1, 1991

## Commission Minutes

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-11-90	Troy Mills Dam Assoc.	Administrative Order	FP	Clark	Settlement proposed.
6-14-90	Willow Tree Investments, Inc.	Administrative Order	UT	Landa	Negotiating before filing.
6-18-90	Sioux City, City of	NPDES Permit Cond.	WW	Hansen	Appeal withdrawn.
6-18-90	Ames, City of	NPDES Permit Cond.	WW	Hansen	Proposed decision issued and appealed to EPC.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Informal meeting to be scheduled.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued to 6/11/91.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Hearing continued.
7-23-90	IBP, Dakota City	Administrative Order	WW	Hansen	Informal meetings 1/25/91.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Hearing held. Briefs due 5/30/91.
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Hearing continued.
8-06-90	Lake Manawa Nissan, Inc.	Administrative Order	UT	Landa	Compliance initiated.
9-06-90	Wilbur Numelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Landa	Hearing continued. Compliance initiated.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Depositions 4/12/91. Hearing set for 6/5/91.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Landa	Stipulations prepared.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-02-90	James Rhoads	Administrative Order	HC	Landa	Negotiating before filing.
10-11-90	Commercial Equipment Co., Inc.	NPDES Permit Denial	WW	Landa	Hearing held. Decision pending.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Landa	Negotiating before filing.

E91May-20

## Environmental Protection Commission Minutes

May 1991

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 CONTESTED CASES  
 MAY 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-17-90	Chicago & Northwestern Transportation Co.	NPDES Permit Conditions	WW	Landa	Settlement proposed.
10-18-90	Harlan Pruess	Claim	HC	Landa	Hearing scheduled for 6/24/91.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Discovery initiated.
10-29-90	Arcadian Corporation	NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
11-06-90	Vincent Martinez d/b/a Martinez Sewer Service	Administrative Order	HC	Landa	Compliance initiated.
11-13-90	Lloyd Dunton	Administrative Order	SW	Kennedy	Sent to DIA.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing set for 5/30/91.
11-29-90	Natural Gas Pipeline of America	NPDES Permit Denial	WW	Hansen	Hearing set for 6/26/91.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-10-90	ISU - Ames Laboratory Chemical Disposal Site	Site Registry	HC	Landa	Negotiating.
12-19-90	Aratex Services, Inc.	Site Registry	HC	Landa	Negotiating.
12-21-90	Des Moines, City of	Administrative Order	UT	Landa	Negotiating.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing set for 5/22/91.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Landa	Hearing set for 5/24/91.
1-11-91	Fansteel/Wellman Dynamics	Site Registry	HC	Landa	Hearing set for 7/17/91.
1-22-91	Richard Duncan	Administrative Order	SW/AQ	Kennedy	Negotiating before filing.
1-23-91	Stuckey's Pecan Shoppe #287	Administrative Order	WS	Clark	Settled.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Hearing continued.
2-28-91	Bloomfield Foundry, Inc.	Tax Certification Denial	AQ	Landa	Hearing set for 5/29/91.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Landa	Testimony filed 4/29/91.

May 1991

# Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
MAY 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
3-11-91	John W. Yotter	Administrative Order	SW	Kennedy	Negotiating before filing.
3-11-91	E.I. duPont De Nemours	Water Use Permit	WR	Clark	Settled.
3-11-91	Jolley, City of	Administrative Order	WS	Hansen	Settled. Penalty paid.
3-14-91	Joe Ringsdorf	Administrative Order	AQ	Kennedy	Negotiating before filing.
3-15-91	Muscatine, City of	Administrative Order	WW	Hansen	Amended Order to be issued.
3-21-91	Molkenthin Swine Operation	Administrative Order	WW	Murphy	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
4-16-91	AMPEL	Const. Permit Denial	AQ	Landa	Negotiating before filing.

Discussion took place regarding the Aidex case, the reduced amount of chemical spills this year, and administrative law judges assigned to contested cases.

Mike Earley asked staff to provide an update next month on Amoco Oil, Bridgestone/Firestone, and Jimmy Dean Meat Company shown on the Attorney General Referrals report. He also asked for an update on the proposed settlement for Amoco Oil and Northwestern States Portland Cement shown on the Contested Case report.

Gary Priebe stated that he received a call from Don Carney (listed on Attorney General Referrals report) and Mr. Carney wanted the message relayed to the Commission that he has already cleaned up six of his 13 acres of land.

This was an informational item; no action was required.

## PUBLIC PARTICIPATION

Chairperson Hartsuck announced public participation at 10:30 a.m.; no one requested to speak.

FINAL RULE--CHAPTER 102, LANDFILL OPERATOR CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission has received copies of proposed rules amending Chapter 102 to include a provision for a sanitary disposal project to designate a temporary certified operator when an existing operator is no longer available to the facility.

The department conducted a hearing in Des Moines. The department received no oral or written comments on the proposed rule change.

The Commission is asked to adopt this Notice of Intended Action at this time.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 102, "Permits," Iowa Administrative Code.

The proposed amendment specifies a procedure to be used in the case when an already existing certified operator is no longer available to a sanitary landfill or solid waste incinerator.

Notice of Intended Action was published in the March 20, 1991 Iowa Administrative Bulletin as ARC 1824A.

Public comments on these rules were received through April 20, 1991. One public hearing was held on April 9 in Des Moines. No public comments were received.

This amendment will become effective upon adoption. The emergency implementation will allow the public to benefit from the amendment when the certified operator requirement goes into effect on July 1, 1991.

This amendment may impact small businesses.

The following amendment is proposed:

Amend rule 567--102.13(455B) by adding a new subrule 12 as follows:

102.13(12) A temporary operator of a sanitary landfill or solid waste incinerator may be designated for a period of six months when an existing certified operator is no longer available to the facility. The facility must make application to the department, explain why a temporary certification is needed, identify who the temporary operator will be, and identify the efforts which will be made to obtain a certified operator. A temporary operator designation shall not be approved for greater than a six-month period except for extenuating circumstances. In any event, not more than one six-month extension to the temporary operator designation may be granted. Approval of a temporary designation may be rescinded for cause as set forth in 102.13(10).

This rule is intended to implement Iowa Code section 455B.304.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

(A:102-059.RUL/120-91/sp)

Mr. Stokes gave a brief explanation of the rule.

*Motion was made by Clark Yeager to approve Final Rule--Chapter 102, Landfill Operator Certification. Seconded by Nancylee Siebenmann. Motion carried unanimously.*

FINAL RULE--CHAPTER 68, COMMERCIAL SEPTIC TANK CLEANERS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to adopt Chapter 68, rules relating to commercial septic tank cleaners.

Chapter 68 was adopted and filed emergency, and became effective March 1, 1991. Simultaneously, the filing was published as a Notice of Intended Action to solicit public comments.

Six hearings were held in Council Bluffs, Sioux City, Fort Dodge, Iowa City, Cedar Falls, and Des Moines, on March 12-15, and written and oral comments were received through March 22, 1991.

A total of 39 persons attended the hearings, and 25 persons submitted written and oral comments. All comments are addressed in the Public Participation Responsiveness Summary.

These rules are different from those rules adopted emergency. Changes are proposed as a result of public comment. Substantive changes proposed are summarized as follows:

Holding tanks for sanitary wastes were added as a type of private waste facility covered by the rule.

The year was deleted from the requirement for displaying the license number on the tank or vehicle.

Provisions were added for change of ownership.

A time limit was added for maintaining records.

Prohibitions were made more specific against hauling hazardous or toxic wastes.

Paragraph 68.8(2)"c" and Subrule 68.9(2) were reworded to improve clarity, and paragraph 68.8(2)"d" requiring caps or covers for hoses and piping was deleted.

May 1991

Environmental Protection Commission Minutes  
ENVIRONMENTAL PROTECTION COMMISSION [567]  
Adopted and Filed

Pursuant to Iowa Code section 455A.6, the Environmental Protection Commission hereby rescinds Chapter 68 and adopts in lieu thereof a new Chapter 68, "Commercial Septic Tank Cleaners," Iowa Administrative Code.

Chapter 68 is designed to implement Iowa Code subsection 455B.172(5) and provides standards for the commercial cleaning of and the disposal of waste from private waste facilities. In addition, the chapter sets forth licensing requirements and procedures for commercial septic tank cleaners.

Chapter 68 was adopted and filed emergency in the February 20, 1991 Iowa Administrative Bulletin as ARC 1712A and became effective on March 1, 1991. Simultaneously, the filing was published as a Notice of Intended Action in the same Iowa Administrative Bulletin as ARC 1711A to solicit public comment.

Six public hearings were held in Council Bluffs, Sioux City, Fort Dodge, Iowa City, Cedar Falls and Des Moines, attended by thirty-nine persons. Fifty-five oral and written comments were received from twenty-five commentors during the comment period and at the public hearings.

Significant changes from the Notice of Intended Action are as follows:

In Rule 68.2, the definition for "private waste facilities" is modified to include holding tanks for sanitary wastes.

Subrule 68.4(1) is altered to not require the year to be included in the display of the license number on each cleaning unit.

Subrule 68.4(4) is added to provide for change in ownership of commercial septic tank cleaners.

Subrule 68.6(3) is altered to include a required time limit for maintaining records.

Subrule 68.8(1) is modified to include equipment.

Paragraph 68.8(1)"c" is reworded to improve clarity.

Paragraph 68.8(2)"a" is changed to include equipment and to prohibit hauling hazardous, toxic or other wastes detrimental to land application or wastewater treatment plants in tanks used for hauling wastes from private waste facilities.

Paragraph 68.8(2)"c" is reworded to improve clarity.

Paragraph 68.8(2)"d" requiring hoses and piping to be stored with tightly fitted caps or covers is deleted and the following paragraphs are relettered accordingly.

Paragraph 68.8(2)"e" is altered to not require the year of the license number to be displayed on the tank or vehicle.

Subrule 68.9(1) is modified to include holding tanks for sanitary wastes.

Subrule 68.9(2) is reworded to improve clarity.

These rules were adopted by the Environmental Protection Commission on May 20-21, 1991, and shall become effective on July 17, 1991.

These rules are intended to implement Iowa Code subsection 455B.172(5).

---

Rescind 567--Chapter 68 and insert in lieu thereof the following new chapter:

CHAPTER 68  
Commercial Septic Tank Cleaners

567--68.1(455B) Purpose and Applicability. The purpose of this chapter is to implement Iowa Code subsection 455B.172(5) as amended by 1990 Iowa Acts, Chapter 1243, by providing standards for the commercial cleaning of and the disposal of waste from private waste facilities, and licensing requirements

and procedures. These rules govern the commercial cleaning of and the disposal of wastes from private waste facilities.

567--68.2(455B) Definitions. Definitions used in this chapter are listed in alphabetical order as follows:

"Cleaning" means removal of waste from private waste facilities and other actions incidental to that removal.

"Commercial septic tank cleaner" means a person or firm engaged in the business of cleaning and disposing of waste from private waste facilities, including a person or firm that owns and rents or leases portable toilets.

"Private waste facilities" includes, but is not limited to, septic tanks as defined in chapter 69.3(1); holding tanks for sanitary wastes; impervious vault toilets, portable toilets, and chemical toilets as described in chapter 69; and all waste control systems identified in chapter 65, for animal confinement feeding operations.

"Tank" means any container which is placed on a vehicle to transport waste removed from a private waste facility.

"Vehicle" means a device used to transport a tank.

"Waste" means human or animal excreta, water, scum, sludge, septage, and grease solids from private sewage disposal systems; impervious vault, portable, or chemical toilets; and waste control systems for animal confinement feeding operations.

567--68.3(455B) Licensing requirements. Effective March 1, 1991, commercial septic tank cleaners must apply for and obtain a license from the department before engaging in the commercial cleaning of and disposing of waste from any private waste facility unless, prior to March 1, 1991, a county board of health issued a license authorizing this activity. In that event the commercial septic tank cleaner is not required to obtain a license from the department until the license expires or until March 1, 1992, whichever occurs first.

567--68.4(455B) Licensing procedures.

68.4(1) Application for license. Commercial septic tank cleaners must apply for a license by completing a form provided by the department and submitting it with the license fee to the Department of Natural Resources, License Bureau, Wallace Building, 900 East Grand, Des Moines, Iowa 50319. In the case of a commercial septic tank cleaner which is a corporation, partnership, association or any other business entity, the entity itself must apply as provided in this rule. The entity shall designate one person; a partner, officer, manager, supervisor, or other full-time employee to act as its representative for the purpose of applying for a license. Individuals employed by a commercial septic tank cleaner business are not required to be licensed but each cleaning unit (vehicle or tank) must have the license number (except for the year) displayed and a copy of the current license with the cleaning unit.

68.4(2) License fee. The initial license application and each renewal application must be accompanied by a nonrefundable fee in the form of a check or money order made payable to the Department of Natural Resources. The application fee is twenty-five dollars (\$25) per year.

68.4(3) License renewal. In order to remain valid, a commercial septic tank cleaner license must be renewed by the expiration date specified on the license. ~~Renewal application must be made on a form provided by the~~ department, and must be received by the department or postmarked at least

thirty (30) days prior to the expiration date. The renewal application form must be accompanied by the license fee specified in subrule 68.4(2).

68.4(4) Change in ownership. Within 30 days of the change in ownership of any commercial septic tank cleaner, the new owner shall furnish the department with the following information: (1) name of business and license number; (2) name, address, and telephone number of new owner; and (3) date the change in ownership took place. The license will transfer with the ownership with no additional fee due until the next renewal date.

567--68.5(455B) Suspension, revocation and denial of license.

68.5(1) Basis for suspension, revocation, and denial. The department may suspend, revoke, or deny a commercial septic tank cleaner license for any of the following reasons:

- a. A material misstatement of facts in a license application.
- b. A failure to provide the adequate license fee.
- c. A failure to satisfy the obligations of a commercial septic tank cleaner and the standards as provided in rules 68.6(455B), 68.8(455B), and 68.9(455B).
- d. Violation of disposal standards in chapters 65, 69, and 121.

68.5(2) Appeal. A commercial septic tank cleaner may appeal the suspension, revocation, or denial of a license under the provisions of chapter 7.

68.5(3) Reinstatement. In the case of a denial, revocation, or suspension pursuant to paragraphs 68.5(1)"b" or "c," the department may immediately reinstate or issue a license after receipt of the requisite fee or confirmation that the commercial septic tank cleaner is fulfilling the requirements of rules 68.6(455B) and 68.8(455B). In case of a denial, revocation or suspension pursuant to paragraphs 68.5(1)"a" or "d," the department may reinstate or issue a license no sooner than sixty days after the denial, revocation, or suspension, if the department is satisfied that the commercial septic tank cleaner has corrected the deficiency and will comply with departmental rules in the future.

567--68.6(455B) Licensee's obligations.

68.6(1) Supervision. To provide supervision to the removal and disposal of waste from private waste facilities.

68.6(2) Standards. To meet the standards established for the cleaning of and disposal of waste from private waste facilities.

68.6(3) Records. To maintain records of private waste facilities cleaned and the location and method of waste disposal. Such records shall be maintained for a period of three (3) years, and shall be made readily available upon request to county board of health or department officials.

567--68.7(455B) County obligations. The county boards of health shall enforce the standards and licensing requirements contained in this chapter and other referenced rule sections relating to the cleaning of private waste facilities and disposal of waste from such facilities.

567--68.8(455B) Standards for commercial cleaning of private waste facilities.

68.8(1) Vehicles, tanks, and equipment. For all vehicles, tanks, and equipment used in the commercial cleaning of private waste facilities the licensee shall:

a. Prevent the dripping, falling, spilling, leaking, or discharging of waste on to roads or right-of-ways.

b. Provide the equipment necessary for proper cleaning of private waste facilities.

c. Assure proper construction and repair of cleaning equipment to allow easy cleaning and maintaining in an essentially rust-free and sanitary condition and appearance.

68.8(2) Miscellaneous.

a. Any tanks or equipment used for hauling waste from private waste facilities shall not be used for hauling hazardous or toxic wastes as defined in Chapter 131, or other wastes detrimental to land application or wastewater treatment plants; and shall not be used in a manner that would contaminate a potable water supply or endanger the food chain or public health.

b. Pumps and associated piping shall be installed with water tight connections to prevent leakage.

c. Agitation capability for use in cleaning private waste facilities to disperse sludge and scum into the liquid for proper cleaning shall be provided.

d. All vehicles shall display the license number (except for the year) assigned to the commercial septic tank cleaner with 3 inch or larger letters and numbers on the side of the tank or vehicle.

e. The name and address of the license holder shall be prominently displayed on the side of the tank or vehicle.

f. A direct connection shall not be made between a potable water source and the tank or equipment on the vehicle.

567--68.9 Standards for Disposal. Disposal of wastes from private waste facilities shall be carried out in accordance with the rules established by the department.

68.9(1) Waste from private sewage disposal systems, holding tanks for sanitary wastes, impervious vault, portable, or chemical toilets or other similar types of private waste facilities shall be disposed according to requirements in Chapter 69, "On-site Wastewater Treatment and Disposal Systems" and Chapter 121, "Land Application of Sludge and Solid Waste."

68.9(2) Disposal of waste from animal confinement feeding operations shall be consistent with guidelines in Chapter 65 for land disposal of animal wastes.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

Mr. Stokes reviewed the rules along with comments received at public hearing.

Discussion took place regarding the definition for holding tanks.

Margaret Prah! pointed out that "holding tank" is not listed under 567--68.2(455B) Definitions.

Discussion followed.

*Motion was made by Gary Priebe to table this item until later in the day to allow staff time to work up a definition for holding tank. Seconded by Rozanne King. Motion carried unanimously.*

FINAL RULE--CHAPTER 66, AQUATIC PESTICIDE PROHIBITED DISCHARGES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to adopt Chapter 66, Aquatic Pesticide - Prohibited Discharges as final rules. The rules prohibit the application of an aquatic pesticides into certain designated Iowa waters except by certified applicators receiving a permit from the department. This rule is to implement 455B.186. The rule presents the information needed to be submitted to the department to receive a permit, and considerations to be addressed prior to issuing a permit.

Four public hearings were held at which two oral and five written comments were received. Based on the comments received, the following minor changes are proposed:

- \* clarify several terms used in the proposed rule,
- \* clarify that the permit expires at the end of the calendar year in which it was issued,
- \* extend the distance between an application site and an upstream river based water supply intake to 100 feet from 50 feet,
- \* add a provision for when a water supplier's water supply has quantifiable copper levels, and
- \* add a provision for applying an aquatic pesticide to waters not designated as a Class C potable water supply, however still covered by these rules.

The attached Responsiveness Summary presents the comments and provides a discussion of the comments and the proposed changes.

(Rule is shown on the following 3 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]  
Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173 and the 1990 Iowa Acts, Chapter 1167, the Environmental Protection Commission for the Department of Natural Resources proposes to Adopt and File Rules to amend Chapter 60, "Scope of Title-Definitions-Forms-Rules of Practice", and create a new Chapter 66, "Pesticide Application to Waters", Iowa Administrative Code.

The passage of House File 2170, 1990 Iowa Acts, Chapter 1167, section 1, subsection 2, amended the Iowa Code section 455B.186 Prohibited Actions, by adding paragraph 2. This amendment reads: "A pesticide shall not be applied to any water of this state which has been classified by the department as a class 'A' or class 'C', high quality, or high quality resource water, except that this section shall not be construed to prohibit the application of such a pesticide by a certified applicator who is trained in aquatic application and who has received a permit from the department".

These proposed rules are intended to implement House File 2170. Prior to any individual applying a pesticide to certain designated surface waters, they must receive a permit from the Department of Natural Resources and have an aquatic pesticide applicator's certification from the Department of Agriculture and Land Stewardship. The required information to receive a permit from the department is specified in the proposed rules along with criteria to be considered in issuing the permit.

A Notice of Intended Action was published on March 20, 1991, as ARC 1825A. Public hearings were held on April 9, 10, and 11, 1991. Seven modifications are proposed to the proposed rules as published under the notice. These modifications are to;

1. The language of 66.1(1) would be consistent with H.F 2170,
2. The use of the term 'aquatic pesticide' would be consistently used through out the rule,
3. Clarify that the length of a permit will be valid for the calendar year in which the permit was issued,
4. The distance requirement of 50 feet below a water supply intake would be extended to 100 feet in subrule 66.1(4)f.
5. A Special Consideration provision would be considered if quantifiable levels of copper were found in water supplies.
6. A Special Consideration provision would be considered if a Safe Drinking Water Act parameter was to be applied to a water body not designated as a Class C Potable Water Supply.
7. Replace the word 'will' with 'shall' in 66.1(3), 66.1(3)c, and 66.1(4).

These modifications are a result of comments received during the comment period. Five written comment and two oral comments were received. These comments have been addressed in a responsiveness summary available from the department. This summary is on file

with the Administrative Rules Coordinator. No economic assessment was prepared for these proposed rules.

These rules are intended to implement Iowa Code chapter 455B.186, division III, part I. These rules become effective July 17, 1991, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

ITEM 1. Insert the following into rule 60.2, Definitions, in alphabetical order:

"Aquatic Pesticide" means any pesticide, as defined in Iowa Code 206.2, that is labelled for application to surface water.

"Pesticide" shall follow the same definition as presented in Iowa Code 206.2.

ITEM 2. Insert the following as a new Chapter 66:

567-66.1(445B) Aquatic Pesticide.

66.1(1) Prohibited Discharges. ~~Aquatic~~ Pesticides, including aquatic pesticides, shall not be applied to any water of the State designated in subrule (567) 61.3(5) as Class A, Class C, high quality, or high quality resource except as provided in 66.1(2).

66.1(2) Allowable Applications. Aquatic pesticides can be applied to any water of the State designated in subrule (567) 61.3(5) as Class A, Class C, high quality, or high quality resource provided the the applicator has a valid category 5 - aquatic pest control certification from the Department of Agriculture and Land Stewardship pursuant to 21 IAC 45.22"c", and has received a permit from the department in accordance with these rules.

66.1(3) Requirements to Obtain a Permit to Apply an Aquatic Pesticide. The following information shall be submitted to the department to obtain the necessary permit for application of an aquatic pesticide. The information must be submitted on department form number 542-1409 entitled 'Aquatic Pesticide Application to Prohibited Waters - Permit Application Form'. The form is available from the department. The completed application form shall be filed with the department at least ninety (90) days prior to the anticipated period of aquatic pesticide application. The permit ~~will~~ shall be issued for the period of time requested in the application, ~~but not to exceed one year~~ or such period of time as the department deems appropriate under the circumstances, but in no case shall the permit be valid for longer than the calendar year in which it was issued.

a. The applicator's name, address, phone number, and the Department of Agriculture and Land Stewardship (DALS) certification number or a copy of the certificate; and

b. The purpose or objective of applying the aquatic pesticide; and

c. The name, exact location, and extent of the body of water where the aquatic pesticide or aquatic pesticides ~~will~~ shall be

applied, the beginning period and frequency of application, and the rate of aquatic pesticide application; and

d. The brand name of the aquatic pesticide, the aquatic pesticide manufacturer, the Environmental Protection Agency registration number, and a listing and percentage by weight of the active ingredient to be applied; and

e. The name and location of known public and private water supplies within 2000 feet, and public and private wells within 50 feet of the application area; and

f. A sketch of the application area and important physical features within 2000 feet of the application area; and

g. The applicant's signature and date of filing the application form.

66.1(4) Basis for Permit Denial. A permit ~~will~~ shall be denied if any of the following conditions are found to be applicable.

a. Water quality data show a water quality standards violation for the aquatic pesticide, or its ingredients, within the same lake, wetland or reservoir as the requested area for aquatic pesticide application, or downstream of the requested area for aquatic pesticide application; or

b. Water quality testing by a public or private water supply or by the department has found quantifiable levels of the aquatic pesticide in its raw or finished water within the last four years. The testing would be applicable if conducted within the same lake, wetland or reservoir as the requested area for aquatic pesticide application or if conducted downstream of the requested area for aquatic pesticide application; or

c. The applicator does not possess a current Category - 5 aquatic pest control certificate from DALS; or

d. The requested application of aquatic pesticide is not following label instructions for use of the aquatic pesticide; or

e. The active or inactive ingredients in the aquatic pesticide are regulated under the Safe Drinking Water Act (SDWA); or

f. A public or private water supply intake is within 2000 feet of the requested area of the aquatic pesticide application in a lake, reservoir, or wetland, or the public or private water supply intake is within ~~30~~ 100 feet upstream or 2000 feet downstream of the requested area of the aquatic pesticide application in a river or stream; or

g. A shallow well, as defined in subrule 40.2, is located within fifty (50) feet of the aquatic pesticide application area.

66.1(5) Special Considerations. The conditions for a permit denial, 66.1(4) "b" (as it applies to quantifiable levels of copper only), "e", "f", and "g", may be waived and a permit issued when the permit is being requested by the impacted water purveyor to correct or control water quality problems within the water supply or system.

The condition for a permit denial, 66.1(4)e may be waived and a permit issued when the permit is being requested for application of an aquatic pesticide to a water body which is not designated Class C, but is designated Class A, High Quality, or High Quality Resource.

Mr. Stokes gave a brief explanation of the rule and changes made as a result of comments received at public hearings.

Margaret Prah1 asked why the rule states, under 66.1(2), that pesticides can be applied rather than may be applied. She added that may would be a better choice of words.

*Motion was made by Margaret Prah1 to approve Final Rule--Chapter 66, Aquatic Pesticide Prohibited Discharges with the amendment of changing "can" to "may" in the first sentence of 66.1(2). Seconded by Charlotte Mohr.*

Brief discussion followed.

*Motion carried unanimously.*

#### STATE REVOLVING FUND INTENDED USE PLAN - FY91

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the revised list of projects scheduled for FY 1991 loan assistance in the State Revolving Fund Intended Use Plan (IUP). The Commission was advised in April that changes were needed to the State's IUP for the FY 1991 state revolving fund program. The changes were required to account for decisions cities have made in their schedules or financing of projects. Since one new city and two carryover needs from FY 1990 were included, EPA advised and DNR rules required that an opportunity for public input was necessary.

A notice was sent to all cities as well as the standard public notice procedure. The notice showed the entire revised list of FY 1991 projects. No persons attended the scheduled hearing and no written comments were received.

Those cities shown with a revised IUP assistance amount of zero dollars will not appear on Chart 1 Part 2.

REVISED  
STATE REVOLVING FUND INTENDED USE PLAN  
FOR THE STATE OF IOWA  
FISCAL YEAR 1991

The revised FY 1991 project list for Chart 1 Part 2 in the IUP including loan amounts is as follows:

PROJECT NAME	ASSISTANCE AMOUNT PREVIOUS IUP	REVISED IUP
Preston	\$ 0	\$ 225,000
Perry	4,000,000	4,000,000
Adel	0	139,000
Indianola	1,103,000	1,353,000
Mason City	4,237,000	4,237,000
Independence	372,000	372,000
New Hampton	543,000	543,000
Kanawha	232,000	232,000
Nora Springs	100,000	100,000
Marengo	360,000	360,000
Stratford	778,000	778,000
Central City	670,000	0
Orchard	265,000	0
Des Moines ICA	4,908,000	4,908,000
Ankeny	965,000	965,000
Avoca	415,000	415,000
Melcher/Dallas	153,000	153,000
Agency	110,000	110,000
Coralville	4,560,000	5,055,000
Hawarden	98,000	98,000
Woodbine	149,000	0
Missouri Valley	267,000	267,000
Carroll	406,000	0
Anita	75,000	225,000
Stanton	372,000	372,000
Knoxville	1,270,000	1,270,000
Clinton	2,964,000	2,964,000
Ossian	71,000	0
Denmark SSD	794,000	0
Farragut	158,000	358,000
Johnston	0	2,185,000
TOTAL	\$30,395,000	\$31,684,000

A public hearing on this revised list was scheduled for April 30, 1991 at 1:00 pm. Notice was placed in the Des Moines Register. A newspaper of statewide circulation, as well as mailed directly to all cities, sanitary districts, area planning agencies, counties and consulting engineers. No comments were received.

*Motion was made by Margaret Prah1 to approve the State Revolving Fund Intended Use Plan - FY 91. Seconded by Clark Yeager. Motion carried unanimously.*

PROPOSED CONTESTED CASE DECISION--CARL A. BURKHART

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On April 20, 1990, the department issued Administrative Order Nos. 90-AQ-06 and 90-SW-09 to Carl A. Burkhardt and Merle (Toby) Buchan. That action required Mr. Burkhardt to cease illegal solid waste disposal and open burning, to clean up disposed solid waste, and to pay a \$1000 penalty. That action was appealed by Mr. Burkhardt and the matter proceeded to administrative hearing on September 10, 1990, and October 10, 1990. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on April 25, 1991. The decision affirms the Order, with the exception of reducing the penalty to \$200.00.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case. He noted that after the hearing, the Administrative Law Judge affirmed the Administrative Order with the exception of reducing the penalty. He stated that staff does not agree with the rationale to reduce the penalty but the department does not intend to appeal it.

The Commission took no action; this has the effect of upholding the Administrative Law Judge's decision in the absence of an appeal.

PROPOSED CONTESTED CASE DECISION--COMMERCIAL EQUIPMENT CO.

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On September 28, 1990, the department denied the application of Commercial Equipment Co. for reissuance of its NPDES permit number 14-00-1-01. That action was appealed and the matter proceeded to administrative hearing on March 5, 1991. The Administrative Law Judge issued the attached Proposed Findings of

Fact, Conclusions of Law, and Order on May 6, 1991. The decision affirms the denial of the permit.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

Nancylee Siebenmann asked why no fines were levied in this case.

Mr. Murphy stated that this company is under review and supposed to be sued over RCRA violations. He added that staff consulted with EPA and they indicated that they would add these violations to their lawsuit. If adequate progress is not made by EPA, staff will take enforcement action.

The Commission took no action; this has the effect of upholding the Administrative Law Judge's decision in the absence of an appeal.

#### PROPOSED CONTESTED CASE DECISION--VERN STARLING

Mr. Murphy briefed the Commission on the history of this case.

Discussion followed regarding reduction in the penalty amount, whether or not the site has been cleaned up, and who did the dumping at the site.

The Commission took no action; this has the effect of upholding the Administrative Law Judge's decision in the absence of an appeal.

#### CITY OF AMES LETTER TO EPC COMMISSIONERS

Director Wilson stated that each Commission member had received a letter from the City of Ames in regards to proposed rules on classification of designated stream use. Since the department had not received a copy of the letter, Mr. Murphy took a few moments to review it. He stated that his interpretation of the letter is that the City of Ames is commenting on the proposed rules to reclassify the Skunk River. He related that the letter indicates they commented at the public hearing but are concerned that their comments will not be given adequate attention by the staff, and so they have written directly to the Commission.

---

Margaret Prah1 suggested that a letter be sent to the City of Ames, stating that these rules will be on the agenda in July and they are welcome are to request an appointment to state their case.

Nancylee Siebenmann requested that a response be sent, on behalf of the Commission, acknowledging the letter and offering DNR staff to meet with city officials to discuss their concerns.

Clark Yeager asked why the department is reclassifying streams.

Director Wilson stated that the department is under a mandate, as part of the Clean Water Act, to look at all of the stream classifications and fit them accordingly to their intended use and legitimate, logical type of use. Staff will proceed with these reviews as time allows and periodically bring them before the Commission.

#### REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4).

Linwood Mining and Minerals Corp. (Davenport) - air/water quality  
Archer-Daniels-Midland Company (Clinton) - air quality  
R. V. Hopkins, Inc. (Davenport) - air quality  
Jay Oehler (Moravia) - underground tank release  
Art Simmons (Bussey) - underground tank release  
IBP, inc. (Perry) - water quality  
Fred Varner (Worth County) - penalty collection

Archer-Daniels-Midland Company (ADM) (Clinton) Mr. Murphy briefed the Commission stating that the department has been attempting to address violations of the ambient air quality standards in the Clinton area since they were monitored in 1985-86. He noted that, at that time, an Administrative Order was issued to ADM and they appealed. He related that this is a very complicated case in that another company was identified as being part of the problem. Staff tried to make progress in those cases through a consent agreement. The public was also involved in the process. Mr. Murphy noted that staff did get an earlier consent order with the other company, and it took 2 1/2 years to finalize a consent order with ADM. That order required ADM to conduct some testing

by last fall and also to submit monthly progress reports on their activities. Mr. Murphy noted that ADM has not complied with any portion of the consent order and did not supply required reports. The feeling of staff is that it should be referred for substantial penalties and injunctive relief.

Discussion followed regarding the percentage assessed for culpability and for economic benefit.

Nancylee Siebenmann pointed out an error on page 3 of the litigation report, third paragraph from the bottom, the date of July 5, 1991, should have been 1990.

*Motion was made by Mike Earley for referral to the Attorney General's Office. Seconded by Margaret Prah. Motion carried unanimously.*

#### Jay Oehler

Mr. Murphy briefed the Commission on the history of this case.

*Motion was made by Margaret Prah for referral to the Attorney General's Office. Seconded by Nancylee Siebenmann.*

Gary Priebe asked what a site assessment costs.

Mr. Stokes stated that site assessment costs run anywhere between \$1,000 - \$4,000. He added that a site closure report can be done for under \$1,000.

*Motion carried unanimously.*

#### Art Simmons

Mr. Murphy briefed the Commission on the history of this case.

*Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Margaret Prah. Motion carried unanimously.*

#### Fred Varner

Mr. Murphy briefed the Commission on the history of this case.

*Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.*

FINAL RULE--CHAPTER 68, COMMERCIAL SEPTIC TANK CLEANERS  
(Continued)

Mr. Stokes distributed the following proposed language for possible insertion on page 2, under 567--68.2(455B): "Holding Tank" means any receptacle for the retention or storage of wastes pending removal for further treatment or disposal.

*Motion was made by Margaret Prah1 to amend section 567--68.2(455B) by adding the definition of "holding tank," as proposed by Mr. Stokes. Seconded by Gary Priebe. Motion carried unanimously.*

*Motion was made by Margaret Prah1 to approve Final Rule--Chapter 68, Commercial Septic Tank Cleaners as amended. Seconded by Gary Priebe. Motion carried unanimously.*

GENERAL DISCUSSION ITEMS

CHEEC

Nancylee Siebenmann reported that she attended one day of a two-day seminar that CHEEC put on at the University of Iowa. Topic of the seminar was on water quality, agriculture and public health. She related that she found it to have a lot of valuable information and felt it was a very good seminar. Commissioner Siebenmann noted that she will provide a written report to each Commissioner.

Discussion took place in regards to the June meeting and tour of Big Spring. It was decided to start the meeting on Monday, June 17, at 10:30 a.m., with the tour of Big Springs to take place on Tuesday morning.

Nancylee Siebenmann made reference to a newspaper article regarding electromagnetic fields and how they may pose health risks and possibly be an environmental hazard. She related that she would like to have a report on this subject at the next meeting.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

IBP, inc.

Mr. Murphy outlined violations (since January 1990) by IBP, inc., Perry, noting that there were two violations of the average BOD

concentration limit, five daily maximum violations, one month of average violations for suspended solids and seven maximum violations. He related that the company is in agreement on the facts but they are in contention as to the appropriate action to be taken by the department. It is staff feeling that the matter should be referred due to a large industry being in violation of its NPDES permit.

Chairman Hartsuck asked Mr. Murphy why he emphasized "large" industry.

Mr. Murphy responded that it relates to the amount of pollutants and also a large, corporate industry has a higher standard of care, is knowledgeable of the requirements, and has the capability of meeting them. He related that the size of a facility is one of the factors considered when recommending referral. He noted that the company has been in compliance in March and April, 1991.

Margaret Prahl stated that she will disqualify herself from taking part in discussion and vote in this matter due to the fact that she has represented IBP in the past and still has several open files on them.

#### APPOINTMENT - RICHARD JOCHUM

Richard Jochum, Corporate Attorney for IBP, inc., Dakota City, Nebraska, introduced William McAllister, Assistant Vice-President of Environmental Affairs for the company. Mr. Jochum stated that he is present to find out why the DNR feels that the issue of compliance with the Perry facility permit is such a serious nature that it requires referral to the Attorney General's Office. He stated that the Perry facility was purchased in 1989 from Oscar Mayer Foods. Additionally, at the time of the purchase, Oscar Mayer had compliance opportunities of their own, therefore, IBP made expansions and improvements to the wastewater treatment facility as well as in-plant improvements to assure that they would be in compliance with permit conditions at all times. Mr. Jochum stated that there is no substantial issue between the department and IBP about compliance history. He feels that indicating raw numbers does not give a clear picture of a facility's compliance history. He related that since IBP started operating the facility, compliance with daily BOD limitations has been at or exceeding 99%, and daily compliance with suspended solids limitations has been at or exceeding 98%. Mr. Jochum stated that there were problems in two individual months with BOD limits when BOD on concentration was exceeded by 5 ppm and mass was in excess by 11 pounds. He noted that the company classifies these as being relatively minor exceedances of the permit conditions, particularly since there were no water quality violations being caused by the discharges. He explained

what efforts have been made to insure that the company complies with its permits. Mr. Jochum stated that he believes referral is unnecessary and would hamper steps taken so far to bring the company into compliance.

Discussion followed regarding the exceedance percentages and their impact on the environment; why the violations occurred; and steps taken to prevent future violations.

Mr. Murphy stated that he disagrees with their assessment that referral would be counterproductive. He related that the Attorney General's Office is very willing to negotiate appropriate settlement as long as compliance continues. Mr. Murphy noted that water quality violations are national performance standards and they are important. He added that the department has been dealing with IBP for many years in different context and different facilities and they should be well aware of the requirements.

Nancylee Siebenmann asked if an administrative penalty was issued in this case.

Mr. Murphy stated that an administrative penalty was not issued to IBP at the Perry facility; other IBP facilities have been issued a penalty in the past.

Nancylee Siebenmann asked what the criteria was for issuing the administrative penalty first versus going right to the Attorney General. Mr. Murphy stated that staff evaluates each case, and in this case it was the fact that the department has been dealing with IBP for a long time. It is a major facility with major loadings and staff has dealt with them with respect to other facilities in the past. The feeling of staff was that the administrative penalty level was not enough.

Richard Hartsuck asked if dealings with IBP at other locations are a factor in deciding what to do in this case.

Mr. Murphy responded that it is a factor in the decision on this case.

Nancylee Siebenmann commented that she has some concerns with dealing with this particular facility based on the fact that there has been a lot of other dealings at their large company.

*Motion was made by Mike Earley for referral to the Attorney General's Office. Motion died for lack of a second.*

Nancylee Siebenmann stated that she is also unhappy with letting it go by the board. She added that there are obviously some violations but the department is limited in terms of the amount of administrative penalty.

Gary Priebe stated that he is going to defer from discussion and vote in this case because he does a considerable amount of business with IBP and feels it would be a conflict of interest.

Chairperson Hartsuck asked if it would be appropriate for the Commission to recommend to staff that they monitor compliance at this facility very closely for the remainder of this year, and if there are any further violations that it be immediately brought before the Commission.

Charlotte Mohr stated that she feels that we should be looking at this particular facility rather than bringing in other IBP facilities that the department has had dealings with over the past years.

#### Linwood Mining and Minerals

Mr. Murphy stated that this case involves a quarry operation and lime processing plant, located near Davenport, in which plant operations result in generation of fugitive dust and isolated sources of particulate emissions. The washing of rock in their lime processing plant results in wastewater with high levels of suspended solids and pH. Referral is being asked on the basis of the air quality and water quality programs. In regards to the air quality issue, the company was issued Administrative Orders in 1985 and 1987 regarding ongoing fugitive dust problems. The order directs the company to comply with rules to institute reasonable precautions to prevent fugitive dust from leaving the property. In 1990, an Administrative Order was issued regarding emission violations and failure to report same. That order required the company to institute an operation and maintenance program, equipment maintenance program, and also to comply with the excess emission reporting requirements. The department has received numerous complaints regarding air quality in the vicinity. Recently documented violations occurred in May, August and October, 1990. With respect to water quality, the company has a permit authorizing the discharge from the quarry to the river and they have repeatedly missed submission of quarterly monitoring reports. After the issuance of the Administrative Order in 1990, which also dealt with water quality concerns, they failed to submit a report for the third quarter of 1990. Through inspections in 1989, field staff became concerned about the discharge from the washing operation to the quarry and concluded that the quarry is a water of the state and the discharges into it should be controlled. At that time extremely high pollutant loadings were noted in the water discharging to that water body. The pH at the quarry was analyzed at 12.3, which is extremely high. The department required the company to obtain a permit. The department received sufficient information to issue a permit but the company is unwilling to construct a treatment facility and is now disputing that the quarry should be considered a water of the state. The company did not appeal the Administrative Order.

Discussion followed regarding the number of documented days of violation.

APPOINTMENT - KEN MCNICHOLS

Ken McNichol, Director, Iowa Limestone Producers Association, addressed the Commission on the subject of washing aggregate. He circulated an example of washed aggregate and also one of unwashed aggregate. He read a definition of "Waters of the State of Iowa" and presented a slide show depicting different examples of waters of the state. He related that a sand and gravel washing operation is the same as the activity shown on the pumping barge in one of the slides. Mr. McNichol distributed a brochure entitled "Environmental Use of Limestone - Aquatic and Watershed Liming" and explained the process used in washing operations. He noted that the settling ponds are crystal clear within 24 hours after pumping has stopped.

APPOINTMENT - GREG BUSH

Greg Bush, President, Linwood Mining & Minerals, stated that DNR is saying Linwood does not have the ability to put the material that is washed out back into the limestone pit. He noted that Linwood has a permit which allows them to pump from the pit into Donaldson Creek and eventually into the Mississippi River. Everytime water quality tests have been run the company has been within the bounds of the permit. Mr. Bush stated that the reason reports were not sent was because, for three years, the company did not pump from the pit to the river and they were unaware of the fact that if they did not pump that they still had to send reports. He explained the wash water system from the pit, to the wash plant, and back into the pit and noted that it has been utilized by the limestone industry for the past 30 years. Mr. Bush stated that prior to 1990, a number of DNR officials had gone through the plant and this was never brought forth as an issue, and they were always aware of this process. Mr. Bush related that the material going in the pit settles and becomes the fill material for that pit. He noted that in recycling the material the company is reclaiming the pit. He added that it is their contention that in washing that pit for 30 years it is a sealed container and is not part of the aquifer. Mr. Bush stated that he agrees that the pit is state waters but he does not agree that the limestone material is either a pollutant or an industrial waste. He asked how it can be considered a pollutant when the same material taken from the pit is being returned to the pit. Mr. Bush distributed a copy of IAC 900 dealing with water withdrawal and related there is no regulation saying there is a permit required for putting the water back in.

---

Discussion followed regarding costs to industry if required to build a settling basin; problems with Highway 22 going through the middle of the plant and causing dust; steps taken by the company to curb fugitive dust; and future improvements to be made including barriers and landscaping along the highway, moving operations further from the road, and moving all crushing operations underground.

Margaret Prah1 asked about by-passes at the bag house on three different occasions.

#### APPOINTMENT - GAILLARD KREWER

Gaillard Krewer, Vice-President of Operations for Linwood, stated that he does not deny that it could have happened for a short time but the implication is that it was on purpose, which is not so. He related that each time by-pass was observed the machine was being repaired and not in use. He added that the second time it happened, some of the employees turned it on to clear the dust rather than clearing it out by hand as they should have. He noted that the company does not advocate this practice and the individuals were reprimanded for that action.

Mark Landa explained occurrences of fugitive dust violations by Linwood Mining since 1985 and reviewed precautions taken by the company to reduce fugitive dust. Mr. Landa stated that Mr. Bush agreed there is an accumulation of water and it meets the definition of a water of the state. He noted that the department is arguing that it is not a closed loop system and there has been a consistent decrease of water level in the quarry consistent with reduction of the groundwater levels in the area and the water level of the Mississippi River. There have been corresponding increases in the quarry water level now that there is an increase in groundwater level and the Mississippi River water level. He noted that the department has concerns about introduced pollutants into the quarry.

After a lengthy discussion of various issues in this matter, the Commission took the following action:

*Motion was made by Margaret Prah1 for referral to the Attorney General's Office for the three instances of air violations. Seconded by Mike Earley.*

*Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Prah1, Siebenmann, Earley, and Hartsuck. "Nay" vote was cast by Commissioners Priebe, Yeager, King, and Mohr. Motion failed due to a lack of concurrence of a majority of the Commission.*

May 1991

Environmental Protection Commission Minutes

It was the consensus of the Commission that some confusion remains in regards to the water violation issue, based on what was presented today. They feel more time is needed to further study the issue.

Mike Earley stated that in this process it might be appropriate to hear from experts on both sides of this issue.

Motion was made by Margaret Prah1 to table the water quality issue until July with the request that staff provide the Commission with the authorities cited today and any authority they may have based on their belief that it is a system connected to the groundwater, and the company provide the Commission with the same information. She added that she agrees with Commissioner Earley that it should be looked at in a broader perspective. Seconded by Mike Earley. Motion carried unanimously.

R.V. Hopkins, Inc.

Mr. Murphy requested that this matter be tabled for 30 days while staff attempts to work out an agreement.

Motion was made by Nancylee Siebenmann to table agenda item 13(c) for 30 days. Seconded by Charlotte Mohr. Motion carried unanimously.

ADDRESS ITEMS FOR NEXT MEETING

Report on electrical energy

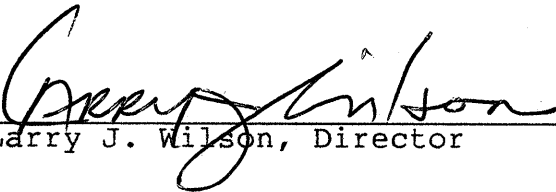
NEXT MEETING DATES

June 17-18, 1991 (Osborne Center-Clayton Co.)  
July 15-16, 1991  
August 19-20, 1991

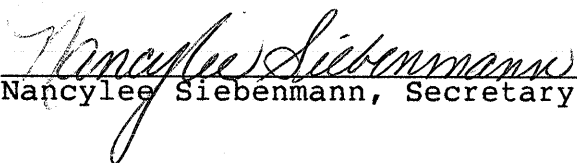
ADJOURNMENT

Motion was made by Mike Earley to adjourn the meeting. Seconded by Margaret Prah1. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 3:30 p.m., Monday, May 20, 1991.

  
Larry J. Wilson, Director

  
Richard Hartsuck, Chairperson

  
Nancy Lee Siebenmann, Secretary

May 1991

Environmental Protection Commission Minutes

INDEX

## A

Adoption of Agenda E91May-1  
 Adoption of Minutes E91May-1  
 Appointment  
   Bush, Greg (Linwood Mining &  
     Minerals referral) E91May-44  
   Jochum, Richard (IBP, inc.  
     referral) E91May-41  
   Krewer, Gaillard (Linwood Mining  
     & Minerals referral) E91May-45  
   McNichols, Ken (Linwood Mining &  
     Minerals referral) E91May-44  
 Aquatic Pesticide Prohibited  
   Discharges--Chapter 66  
     Final Rule E91May-30  
 Archer-Daniels-Midland Company (ADM)  
   Referrals to the Attorney  
     General E91May-38

## B

Burkhart, Carl A.  
   Proposed Contested Case  
     Decision E91May-36  
 Bush, Greg  
   Appointment (Linwood Mining &  
     Minerals referral) E91May-44

## C

CHEEC E91May-40  
 City of Ames  
   Proposed rule - Classification of  
     Designated Stream Use E91May-37  
 Commercial Equipment Co.  
   Proposed Contested Case  
     Decision E91May-36  
 Commercial Septic Tank Cleaners  
   Final Rule--Chapter 68  
     (Continued) E91May-40  
 Commercial Septic Tank  
   Cleaners--Chapter 68  
     Final Rule E91May-25  
 Contested Case Decision  
   Proposed  
     Burkhart, Carl A. E91May-36

Commercial Equipment  
 Co. E91May-36  
 Starling, Vern E91May-37

## D

Director's Report E91May-2

## E

Election of Officers E91May-2

## F

Final Rule  
   Chapter 102, Landfill Operator  
     Certification E91May-23  
   Chapter 66, Aquatic Pesticide  
     Prohibited Discharges E91May-30  
   Chapter 68, Commercial Septic  
     Tank Cleaners E91May-25  
   Chapter 68, Commercial Septic  
     Tank Cleaners  
     (Continued) E91May-40  
 Financial Status Report E91May-3

## G

General Discussion Items E91May-40

## H

Hopkins, R.V., Inc.  
   Referrals to the Attorney  
     General E91May-46

## I

IBP, inc.  
   Referrals to the Attorney  
     General E91May-40  
 Intended Use Plan  
   State Revolving Fund -  
     FY91 E91May-34

J

Jochum, Richard  
Appointment (IBP, inc.  
referral) E91May-41

K

Krewer, Gaillard  
Appointment (Linwood Mining &  
Minerals referral) E91May-45

L

Landfill Operator  
Certification--Chapter 102  
Final Rule E91May-23  
Linwood Mining and Minerals  
Referrals to the Attorney  
General E91May-43

M

May 1991 COMMISSION  
MEETING E91May-1  
McNichols, Ken  
Appointment (Linwood Mining &  
Minerals referral) E91May-44  
Members Absent E91May-1  
Members Present E91May-1  
Monthly Reports E91May-8

O

Oehler, Jay

Referrals to the Attorney  
General E91May-39

R

Referrals to the Attorney General  
Archer-Daniels-Midland Company  
(ADM) E91May-38  
Hopkins, R.V., Inc. E91May-46  
IBP, inc. E91May-40  
Linwood Mining and  
Minerals E91May-43  
Oehler, Jay E91May-39  
Simmons, Art E91May-39  
Varner, Fred E91May-39

S

Simmons, Art  
Referrals to the Attorney  
General E91May-39  
Starling, Vern  
Proposed Contested Case  
Decision E91May-37  
State Revolving Fund  
Intended Use Plan -  
FY91 E91May-34

V

Varner, Fred  
Referrals to the Attorney  
General E91May-39